

THE FOLLOWING RESOLUTION WAS OFFERED BY  
COUNCILMAN \_\_\_\_\_, WHO MOVED ITS ADOPTION,  
SECONDED BY COUNCILMAN \_\_\_\_\_, TO WIT

**RESOLUTION ADOPTING  
DETERMINATION OF NON-SIGNIFICANCE  
OF  
LOCAL LAW 1**

WHEREAS, the Town Board of the Town of Newstead is considering adoption of a Local Law to reduce the number of avoidable alarms by establishing standards for alarm systems in the Town of Newstead and requiring the installation of Knox Boxes in commercial buildings and has determined that such action is an Unlisted Action under SEQRA and has determined that a coordinated review is not required because the proposed action is only of local significance; and

WHEREAS, the Town Board has reviewed the Short Form EAF form submitted and has determined that the proposed action will not have a significant impact on the environment.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Newstead, after considering the action proposed herein, in reviewing the criteria contained in Section 617.11 of the Rules and Regulations of the SEQRA Regulations and thoroughly analyzing the project with respect to potential environmental concerns, determines that the action will not have a significant effect on the environment and that no further action is required by the Town of Newstead

The question of the adoption of the foregoing SEQRA negative declaration was duly put to a vote on roll call, at a regular meeting of the Town Board on April 24, 2017 the results of which were as follows:

Councilman Dugan	_____
Councilman Burke	_____
Councilman Jendrowski	_____
Supervisor Cummings	_____

COUNCILMAN \_\_\_\_\_ MOVED THE ADOPTION OF THE  
FOLLOWING LOCAL LAW NO. 1 OF THE YEAR 2017,  
SECONDED BY COUNCILMAN \_\_\_\_\_, TO WIT

A Local Law known as Local Law No. 1 of the Year 2017 entitled "Avoidable Alarm and Knox Box Law of the Town of Newstead".

Be it enacted by the Town Board of the Town of Newstead as follows:

#### SECTION 1. TITLE.

This Law shall be known as Local Law No. 1 of the Year 2017 entitled "Avoidable Alarm and Knox Box Law of the Town of Newstead".

#### SECTION 2. PURPOSE.

The purpose of this Local law is to protect and promote the health, safety and general Welfare of the residents of the Town of Newstead by reducing the number of avoidable alarms of fire, intrusion, holdup or other emergencies which contribute to ineffective utilization of police and fire emergency agencies, require emergency responses which are susceptible to high accident rates, interfere with genuine emergencies (responses) and produce unnecessary alarm noise to the surrounding community and to require the installation of Knox Boxes in all commercial buildings in the Town of Newstead outside the Village of Akron.

#### SECTION 3. DEFINITIONS.

For the purpose of this chapter, the following words and phrases shall have the meanings respectfully ascribed to them by this section:

**ALARM SYSTEM** - A device or an assembly of equipment which is designed to detect smoke, an abnormal rise in temperature, fire, medical, emergency or an entry into or exit from a building, structure or facility and by reason thereof emits an audible response intended to alert persons outside of the premises and/or transmit a signal or message to an emergency agency either directly or through a private answering point.

**AUTOMATIC DIALER** - A device that automatically dials and relays a prerecorded message to an emergency agency.

**EMERGENCY AGENCY** - the Erie County Sheriff, New York State Police, Fire Company, central fire dispatch or other emergency dispatch center.

**KNOX BOX**-a locked box mounted near a building entrance containing a key to the building to provide for access by emergency responders, which box is accessible only by way of a master key maintained in a secure location at the local fire company responsible for responding to fire calls where the building is located.

#### SECTION 4. EXISTING SYSTEMS OR DEVICES

The owners and lessees of premises having alarm systems shall comply with all provisions of this chapter on or before one year from the effective date of this chapter.

#### SECTION 5. AUTOMATIC CUTOFF SYSTEM.

- A. No person shall install or maintain an external audible alarm device which does not contain an operational automatic cutoff system which turns off the external and alarm after a period not to exceed 10 minutes.
- B. An automatic dialer connected directly to an emergency agency shall automatically disconnect amid/or terminate its message after the message has been transmitted a maximum of two times. Notwithstanding the foregoing, however, the total transmission time of all messages shall not exceed five minutes.

#### SECTION 6. KNOX BOX REQUIREMENT

- A. All new commercial buildings constructed within the Town of Newstead outside the Village of Akron require that a Knox Box be installed during construction.
- B. Existing commercial buildings constructed prior to the adoption of this local law shall install Knox Boxes within one year of the effective date of this local law.

#### SECTION 7. ENHANCED 911 OR 911 EMERGENCY.

- A. No alarm system shall have an automatic dialer feature or other type of alarm which connects automatically to enhanced 911 or 911 emergency telephone systems.
- B. There shall be no automatic alarm system with direct communication of any type to an emergency agency without prior, written authorization from the emergency agency where the alarms terminate.

#### SECTION 8. AVOIDABLE ALARMS.

- A. The activation of an alarm system through mechanical failure, malfunction, improper installation or the negligence or the Owner, user, custodian or lessee of an alarm system or of his employees requiring an emergency response when in fact an emergency does not exist constitutes an avoidable alarm. An avoidable alarm also includes intentional activation of an alarm system when the activator knows an emergency situation does not exist.
- B. An avoidable alarm does not include alarms activated by violent conditions of nature or similar causes beyond the control of the user, owner or operator of the alarm system. The activation of an alarm system under any circumstances in which the activator reasonably

believes that the emergency situation exists shall not be deemed to be an avoidable alarm.

#### SECTION 9. KEYHOLDER REQUIREMENTS.

- A. A list of responsible persons (minimum of two) with access to the protected building must be provided to the Town Building Department for systems that do not transmit a signal to a central station. It must contain the following:
  - (1) Name.
  - (2) Home phone number.
  - (3) Business phone number.
- B. Protected buildings which automatically transmit a signal to a central station shall provide the required key holder information to that agency.
- C. Responsible persons should reside within a reasonable distance from the protected building.
- D. The requirement in A. and C. requiring that a list of responsible persons be provided and that such persons reside within a reasonable distance from the protected building shall not apply to buildings having Knox Boxes.

#### SECTION 10. CHARGES FOR AVOIDABLE ALARMS.

An owner or lessee of real property to which an emergency agency responds as a result of avoidable alarm shall pay a fee for each such response in each calendar year as follows:

- A. Police agency response.
  - (1) First through third avoidable alarm responses: no charge.
  - (2) Fourth through sixth avoidable alarm responses: \$35 for each.
  - (3) For each avoidable alarm response after the sixth, the fee shall increase by \$10 from the fee of \$35 provided at Subsection A(2). Example: Avoidable alarm response:
    - (a) Seventh: \$45.
    - (b) Eighth: \$55,
- B. Fire Department response.
  - (1) First avoidable alarm response: no charge.

- (2) Second avoidable alarm response: \$50.
- (3) Third and over avoidable alarm responses: \$100 for each.

#### SECTION 11. NOTICE OF EXCESSIVE USE.

The owner or lessee of real property which receives an emergency response by reason of an avoidable alarm shall be notified in writing by means of first class mail of all avoidable alarms up to three police alarms and for one fire alarm in a calendar year. The letter shall inform the owner or lessee of the times and types of emergency responses provided to the address location and shall contain with it a copy of this chapter.

#### SECTION 12. ADMINISTRATIVE REVIEW

A committee consisting of a Newstead Building Inspector, a representative of a service organization and a professional business person shall establish policies and procedures whereby an owner of real property or lessee thereof on which an alarm system has been installed and who has been notified of an avoidable alarm may present evidence as to why any such alarm should not be classified as an avoidable alarm. The committee shall receive such evidence and make recommendations and findings of fact concerning such classification. The Committee shall make the final determination concerning a classification. Which determination shall be reviewable only pursuant to procedures under Article 78 of the Civil Practice Law and Rules. To challenge the classification of an alarm as an avoidable alarm, the real property owner or lessee thereof shall, in writing, notify the Committee within 20 days after receipt of notice of the avoidable alarm. The failure to give timely notice shall be deemed a waiver of the right to review the determination.

#### SECTION 13. PAYMENT OF CHARGES.

Avoidable alarm charges shall be paid to an office of repository authorized to collect such charges by the Town Board from time to time. The office of repository designated to receive payments for avoidable alarm charges will be posted in the office of the Town Clerk.

#### SECTION 14. FAILURE TO REMIT FEE§ 59-13. Failure to remit fee.

Failure of a real property owner or lessee of property on which an alarm system is installed to pay the avoidable alarm charge, within 30 days from notice of the amount due shall be served with a summons and shall be deemed a violation of this chapter.

#### SECTION 15. ENFORCEMENT.

The Town of Newstead Building Department shall enforce this chapter for alarm systems which detect medical emergencies and entry or exit from a building, structure or facility and for alarm systems which detect smoke, fire or an abnormal rise in temperature.

## SECTION 16. PENALTIES FOR OFFENSES.

Any person, business, firm, corporation, partnership, association or other entity that does not pay the fee as established in this chapter or who violates any other provisions of this chapter shall be subject to a civil penalty not to exceed \$1,000 for each offense. A separate offense shall be deemed committed upon each day during which a violation occurs, continues or is permitted.

## SECTION 17. SEPARABILITY

If any section, subsection phrase, sentence or other portion of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

## SECTION 18. EFFECTIVE DATE

This local law shall take effect immediately upon filing with the Secretary of State of New York.

The question of the enactment of the foregoing Local Law was duly put to a vote roll call vote at a regular meeting of the Town Board on April 24, 2017, the results of which were as follows:

Councilman Dugan  
Councilman Burke  
Councilman Jendrowski  
Supervisor Cummings

THE FOLLOWING RESOLUTION WAS OFFERED BY  
COUNCIL \_\_\_\_\_, WHO MOVED ITS ADOPTION,  
SECONDED BY \_\_\_\_\_, TO WIT

**RESOLUTION ADOPTING  
DETERMINATION OF NON-SIGNIFICANCE  
OF  
LOCAL LAW NO 2**

WHEREAS, the Town Board of the Town of Newstead is considering adoption of a Local Law to amend the Zoning Law to more precisely define minimum lot widths which in most cases will require that such width be measured as contiguous frontage along the road, require Knox Boxes for all new commercial structures, increase the allowable heights of structures in most zoning districts to reflect changes in construction, to clarify the time limits imposed by a variance granted by the Zoning Board of Appeals and to allow for the collection of unpaid penalties and fines imposed for violation of the building codes be assessed upon the real property upon which the violation occurred and has determined that such action is an Unlisted Action under SEQRA and has determined that a coordinated review is not required because the proposed action is only of local significance; and

WHEREAS, the Town Board has reviewed the Short Form EAF form submitted and has determined that the proposed action will not have a significant impact on the environment.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Newstead, after considering the action proposed herein, in reviewing the criteria contained in Section 617.11 of the Rules and Regulations of the SEQRA Regulations and thoroughly analyzing the project with respect to potential environmental concerns, determines that the action will not have a significant effect on the environment and that no further action is required by the Town of Newstead

The question of the adoption of the foregoing SEQRA neg dec was duly put to a vote on roll call, at a regular meeting of the Town Board on April 24, 2017 the results of which were as follows:

Councilman Dugan	_____
Councilman Burke	_____
Councilman Jendrowski	_____
Supervisor Cummings	_____

COUNCILMAN \_\_\_\_\_ MOVED THE ADOPTION OF THE  
FOLLOWING LOCAL LAW NO. 2 OF THE YEAR 2017,  
SECONDED BY COUNCILMAN \_\_\_\_\_, TO WIT

A Local Law known as Local Law No. 2 of the Year 2017 entitled "Amendments to the Zoning Law of the Town of Newstead".

Be it enacted by the Town Board of the Town of Newstead as follows:

#### SECTION 1 TITLE

This Law shall be known as Local Law No. 2 of the Year 2017 entitled "Amendments to the Zoning Law of the Town of Newstead".

#### SECTION 2 PURPOSE

The purpose of this local law is to amend the Zoning Law to more precisely define minimum lot widths which in most cases will require that such width be measured as contiguous frontage along the road, require Knox Boxes for all new commercial structures, increase the allowable heights of structures in most zoning districts to reflect changes in construction, to clarify the time limits imposed by a variance granted by the Zoning Board of Appeals and to allow for the collection of unpaid penalties and fines imposed for violation of the building codes be assessed upon the real property upon which the violation occurred.

#### SECTION 3 AMENDMENT OF CODE

The Article V of the Zoning Law of the Town of Newstead as originally adopted by Local Law No. 2 of the Year 1988 and amended and re-codification as Chapter 450 of the Code of the Town of Newstead is amended by this Local Law No. 3 of the Year 2017 as follows:

§450-8. Lot Restrictions is amended to add a new provision D which provision is set forth below:

D. Width. Lot width for all zoning districts shall be measured along the road frontage, except in the case of cul-de-sacs. Such frontage must be contiguous. In the case of cul-de-sacs, the minimum width shall be determined based upon the proposed location of the residence or other structure and subject to review and approval of the Code Enforcement Officer to ensure sufficient width at that location.

§450-15 F. (1) (a) [1] is amended to read as follows:

[1] Dwelling: 40 feet.

§450-15 F. (2) (a) is amended to read as follows:

(a) Maximum height: 30 feet (no limit on farm buildings).



§450-16 F. (1) (a) [1] is amended to read as follows:  
[1] Dwelling: 40 feet.

§450-16 F. (2) (a) is amended to read as follows:  
(a) Maximum height: 30 feet.

§450-17 F. (1) (a) [1] is amended to read as follows:  
[1] Dwelling: 40 feet.

§450-17 F. (2) (a) is amended to read as follows:  
(a) Maximum height: 30 feet

§450-18 F. (1) (a) [1] is amended to read as follows:  
[1] Dwelling: 40 feet.

§450-18 F. (2) (a) is amended to read as follows:  
(a) Maximum height: 30 feet

§450-19 F. (1) (a) [1] is amended to read as follows:  
[1] Dwelling: 40 feet.

§450-19 F. (2) (a) is amended to read as follows:  
(a) Maximum height: 30 feet

§450-20 F. (1) (a) [1] is amended to read as follows:  
[1] Dwelling: 40 feet.

§450-20 F. (2) (a) is amended to read as follows:  
(a) Maximum height: 30 feet

§450-21 F. (1) (a) [1] is amended to read as follows:  
[1] Dwelling: 40 feet.

§450-21 F. (2) (a) is amended to read as follows:  
(a) Maximum height: 30 feet

§450-101 A. is amended to add the following sentence which shall read as follows:  
All commercial buildings constructed within the Town shall have a Knox Box.

§450-102 is amended to add the following sentence to read as follows:  
No certificate of occupancy shall be issued to a commercial building unless it has a Knox Box.

§450-104 D. (9) is amended to read as follows:

(9) Revocation of authorization. Any variance or modifications of

regulations authorized by the Board of Appeals in the case of a variance for issuance of a building permit shall be automatically revoked unless a building permit conforming to all the conditions and requirements established by the Board of Appeals is obtained within six months of the date of approval by the Board of Appeals and construction commenced within one year of such date of approval and for all other variances or modifications of regulations authorized by the Board of Appeals shall automatically be revoked unless the actions which required the granting of the variance are completed within six months of the date of approval incorporating the conditions set forth by the Board of Appeals or in the case the variance is for the conduct of an activity, such activity is commenced within such six month period.

§450-107 is amended to add a second paragraph which shall read as follows:

If fines imposed for violation of the zoning law are not paid within 60 days following their imposition, such fines shall be assessed against the real property upon which such violation occurred and shall be levied and collected in the same manner as provided for in Article 15 of the Town Law for the levy and collection of special ad valorem assessments.

#### **SECTION 4. SEPARABILITY**

If any section, subsection phrase, sentence or other portion of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

#### **SECTION 5. EFFECTIVE DATE**

This local law shall take effect immediately upon filing with the Secretary of State of New York.

The question of the enactment of the foregoing Local Law was duly put to a vote roll call vote at a regular meeting of the Town Board on April 24, 2017, the results of which were as follows:

Councilman Dugan  
Councilman Burke  
Councilman Jendrowski  
Supervisor Cummings

THE FOLLOWING RESOLUTION WAS OFFERED BY  
COUNCILMAN \_\_\_\_\_, WHO MOVED ITS ADOPTION,  
SECONDED BY COUNCILMAN \_\_\_\_\_, TO WIT

**RESOLUTION ADOPTING  
DETERMINATION OF NON-SIGNIFICANCE  
OF  
LOCAL LAW NO 3**

WHEREAS, the Town Board of the Town of Newstead is considering adoption of a Local Law to amend the Subdivision Law to reduce the time period that is utilized in determining whether a subdivision remains a minor subdivision from five years to three years to be consistent with state legislation which provides for three years for the state definition of subdivision; and

WHEREAS, the Town Board has reviewed the Short Form EAF form submitted and has determined that the proposed action will not have a significant impact on the environment.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Newstead, after considering the action proposed herein, in reviewing the criteria contained in Section 617.11 of the Rules and Regulations of the SEQRA Regulations and thoroughly analyzing the project with respect to potential environmental concerns, determines that the action will not have a significant effect on the environment and that no further action is required by the Town of Newstead

The question of the adoption of the foregoing SEQRA neg dec was duly put to a vote on roll call, at a regular meeting of the Town Board on April 24, 2017 the results of which were as follows:

Councilman Dugan	_____
Councilman Burke	_____
Councilman Jendrowski	_____
Supervisor Cummings	_____

COUNCILMAN \_\_\_\_\_ MOVED THE ADOPTION OF THE  
FOLLOWING LOCAL LAW NO. 3 OF THE YEAR 2017,  
SECONDED BY COUNCILMAN \_\_\_\_\_, TO WIT:

A Local Law known as Local Law No. 3 of the Year 2017 entitled "Amendment to the Subdivision Law of the Town of Newstead ".

Be in enacted by the Town Board of the Town of Newstead as follows:

#### **SECTION 1. TITLE**

This Law shall be known as Local Law No. 3 of the Year 2017 entitled "Amendment to the Subdivision Law of the Town of Newstead ".

#### **SECTION 2. PURPOSE**

The purpose of this local law is to amend the Subdivision Law to reduce the time period that is utilized in determining whether a subdivision remains a minor subdivision from five years to three years to be consistent with state legislation which provides for three years for the state definition of subdivision.

#### **SECTION 3. AMENDMENT OF CODE**

The Code of the Town of Newstead is amended by this Local Law No. 4 of the Year 2017 as follows:

The Subdivision Law of the Town of Newstead originally adopted on December 11, 1996 by Local Law No. 3 of the Year 1995 and amended in its entirety at the time of the adoption of the Code and codified as Chapter 360 of the Code of the Town of Newstead is amended as follows:

Section 360-6. C. is amended to read as follows:

C. MINOR SUBDIVISION-A subdivision of land into not more than four lots (original lot plus three new lots) with a period of three years, provided that such subdivision does not involve a planned development, any new street or the extension of a utility or other municipal facility.

#### **SECTION 4. SEPARABILITY**

If any section, subsection phrase, sentence or other portion of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

## **SECTION 5. EFFECTIVE DATE**

This local law shall take effect immediately upon filing with the Secretary of State of New York.

The question of the adoption of the foregoing Local Law was duly put to a vote on roll call at the Town Board meeting held April 24, 2017, which resulted as follows:

Councilman	Burke	Voted
Councilman	Dugan	Voted
Councilman	Jendrowski	Voted
Supervisor	Cummings	Voted

TOWN OF NEWSTEAD

**12600 Clarence Center Road – Niagara Specialty Metals  
Site Plan Application  
12,000 Sq. Ft. Addition**

**Resolution for Approval**

The following resolution was offered by Councilman \_\_\_\_\_  
Who moved its adoption, seconded by Councilman \_\_\_\_\_

WHEREAS, the Town of Newstead received a site plan dated March 17, 2017 from Niagara Specialty Metals to construct a 12,000 sq. ft. addition to an existing building to be used for production on a portion of their 40-acre parcel at 12600 Clarence Center Road in the I-2 zoning district of the Town of Newstead, and

WHEREAS, this project is a SEQR Unlisted action and coordinated review is not required, and

WHEREAS, Erie County Planning was notified on February 24, 2017 of this action as required under section 239-m of the General Municipal Law, and no comments have been received, and

WHEREAS, two engineering reviews were completed by Wendel, who recommends approval with the comment that the NW corner of the proposed addition is adjacent to an existing driveway, that even though bollards will be provided to protect this corner, it is still vulnerable to damage from vehicles, and

WHEREAS the Planning Board reviewed the proposed site plan and voted on March 27, 2017 to recommend approval to the Town Board, and

WHEREAS, the Town Board held a public hearing on April 24, 2017 where \_\_\_\_\_ comments were heard.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the Town Board of the Town of Newstead hereby approves the site plan to construct a 12,000 sq. ft. building addition on a portion of a 40-acre parcel at 12600 Clarence Center Road in the I-2 zoning district of the Town of Newstead.
2. That this resolution shall take effect immediately.

The above resolution was duly put to a roll call vote on April 24, 2017, the results of which are as follows:

Supervisor Cummings-  
Councilman Burke-  
Councilman Dugan-  
Councilman Jendrowski-

**NEGATIVE DECLARATION**  
**Notice of Determination of Non-Significance**  
**Dated: April 24, 2017**

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act-SEQR) of the Environmental Conservation Law.

The Town of Newstead, as most local permitting authority, has determined that the proposed action described below will not have a significant effect on the environment and that a Draft Environmental Impact Statement will not be prepared.

**Name of Action:** Site plan application  
**SEQR Status:** Unlisted  
**Description of Action:** Construct a 12,000 sq. ft. building addition  
**Location:** 12600 Clarence Center Road – Niagara Specialty Metals

**Reasons Supporting this Determination:**

1. The Town Board concludes that the proposed project will not adversely affect the natural resources of the State and/or health, safety and that welfare of the public and will be consistent with social and economic considerations.

For further information:

Contact Person: Scott Rybarczyk  
Wendel  
535 Washington Street, Suite 603  
Buffalo, NY 14203  
Phone: 716-688-0766  
Fax: 716-842-8860

TOWN OF NEWSTEAD  
5055 Havens Road – EM Wargo, LLC  
Site Plan Application  
Building Addition – 3,744 Sq. Ft.

**Resolution for Approval**

The following resolution was offered by Councilman \_\_\_\_\_  
Who moved its adoption, seconded by Councilman \_\_\_\_\_

WHEREAS, the Town of Newstead received a survey/site plan date stamped March 22, 2017 from John S. Wargo to construct a 3,744 sq. ft. building addition at EM Wargo, LLC on a 37-acre parcel at 5055 Havens Road in the I-2 zoning district of the Town of Newstead, and

WHEREAS, engineering review of drainage was waived by the Code Enforcement Officer, and

WHEREAS, this project is a SEQR Type II action and coordinated review is not required, and

WHEREAS, Erie County Planning was notified on March 24, 2017 of this action as required under section 239-m of the General Municipal Law, and no comments have been received to date, and

WHEREAS, in 2012, a portion of this property was rezoned from R-A to I-2 in the form of a local law with nine conditions, and

WHEREAS, in 2015, Mr. Wargo appealed conditions #5 and #6 as follows:

5. Havens road access road must have an installed dust suppression system within two years.
6. Buffers and landscape screening must be planted on berm at west border extending from northwest corner and continuing approximately 500' southerly to an existing shrub line in order to screen storage piles from a proposed residential development and must be maintained as a screen. The plantings shall consist of 2-1/2" to 3" caliper deciduous trees every 40 linear feet on the eastern side of the berm, one 6' evergreen tree for every 12 linear feet on the north-south centerline of the berm and 50% of the landscape border shall consist of a mixture of deciduous shrubs and perennials or combination thereof with a minimum height of 36" with the landscape plan subject to review and approval by the Town Board. Any trees that fail to survive must be replaced within a reasonable time based upon seasonal considerations.



WHEREAS, on May 11, 2015 the Town Board adopted a resolution agreeing to waive conditions #5 and #6 but with the right to re-impose the conditions in the future if failure to comply with those conditions creates a problem, and

WHEREAS, on March 27, 2017, the Planning Board reviewed the site plan application for a proposed 26' x 144' cold storage addition to the main building, along with maps of the property, and a site visit was made, and

WHEREAS, on March 27, 2017 the Planning Board voted to recommend approval of the site plan to the Town Board with the condition that condition #6 (above) be reinstated and enforced, and

WHEREAS, the Town Board held a public hearing on April 24, 2017 where \_\_\_\_\_ comments were received.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the Town Board of the Town of Newstead hereby approves the survey/site plan date stamped March 22, 2017 to construct a building addition on a 37-acre parcel in the I-2 zoning district at 5055 Havens Road in the Town of Newstead with the following conditions:

(a) Buffers and landscape screening must be planted on berm at west border extending from northwest corner and continuing approximately 500' southerly to an existing shrub line in order to screen storage piles from a residential development and must be maintained as a screen. The plantings shall consist of 2-1/2" to 3" caliper deciduous trees every 40 linear feet on the eastern side of the berm, one 6' evergreen tree for every 12 linear feet on the north-south centerline of the berm and 50% of the landscape border shall consist of a mixture of deciduous shrubs and perennials or combination thereof with a minimum height of 36" with the landscape plan subject to review and approval by the Town Board. Any trees that fail to survive must be replaced within a reasonable time based upon seasonal considerations.

(b) Condition must be enforced by the Code Enforcement Officer.

2. That this resolution shall take effect immediately.

The above resolution was duly put to a roll call vote on April 24, 2017, the results of which are as follows:

Supervisor Cummings  
Councilman Burke  
Councilman Dugan  
Councilman Jendrowski

**NEGATIVE DECLARATION**  
**Notice of Determination of Non-Significance**  
**Dated: April 24, 2017**

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act-SEQR) of the Environmental Conservation Law.

The Town of Newstead, as most local permitting authority, has determined that the proposed action described below will not have a significant effect on the environment and that a Draft Environmental Impact Statement will not be prepared.

**Name of Action:** Site plan application  
**SEQR Status:** Type II  
**Description of Action:** Construct a building addition – 3,744 sq. ft.  
**Location:** 5055 Main Road – EM Wargo, LLC

**Reasons Supporting this Determination:**

1. The Town Board concludes that the proposed project will not adversely affect the natural resources of the State and/or health, safety and that welfare of the public and will be consistent with social and economic considerations.

For further information:

Contact Person: Scott Rybarczyk  
Wendel  
535 Washington Street, Suite 603  
Buffalo, NY 14203  
Phone: 716-688-0766  
Fax: 716-842-8860

THE FOLLOWING RESOLUTION WAS OFFERED BY  
COUNCILMAN \_\_\_\_\_, WHO MOVED ITS ADOPTION,  
SECONDED BY COUNCILMAN \_\_\_\_\_

Resolution Justice Court Audit

WHEREAS, Section 2019-a of the Uniform Justice Court Act requires that Town and Village justices annually provide their court records and dockets to their respective Town and Village auditing boards, and

WHEREAS, the Unified Court System's " Action Plan for the Justice Courts", announced in November of 2006, included initiatives to improve accountability and controls over Justice Court finances and records, which includes Town Board compliance with section 2019-a, and

NOW, THEREFORE, BE IT RESOLVED, BY THE TOWN BOARD THAT:

1. Joe Dugan, Town Councilman, has reviewed and completed the annual audit checklist (appendix 9) in examination of the Town of Newstead court records for the year 2016.
2. The examination and audit of the Town of Newstead court records for 2016 have been found to be maintained in an exceptionally organized and proper manner.
3. A copy of this resolution, along with the Appendix 9 Annual Check Lists, be forward to the Director of Internal Audit, NYS Office of Court Administration.

The above resolution was duly put to a roll call vote at a regular meeting of the Town Board held on April 24, 2017, the results of which were as follows:

Supervisor Cummings-  
Councilman Dugan-  
Councilman Burke-  
Councilman Jendrowski-